



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|---------------------------|
| 09/892,790 | 06/28/2001 | Ki-Ook Park | P56525RE | 1084 |
| 8439 | 7590 | 12/30/2008 | EXAMINER | |
| ROBERT E. BUSHNELL & LAW FIRM 2029 K STREET NW SUITE 600 WASHINGTON, DC 20006-1004 | | | | KLIMOWICZ, WILLIAM JOSEPH |
| ART UNIT | | PAPER NUMBER | | |
| 2627 | | | | |
| | | MAIL DATE | | DELIVERY MODE |
| | | 12/30/2008 | | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

In response to an interview held on September 17, 2008, the Examiner had indicated that the claims would be favorably considered - see Interview Summary form (Paper No. 20080917) mailed from the USPTO on September 23, 2008.

Prior to issuing a Notice of Allowance, however, the following has been noted and needs to be addressed by the Applicant:

(I) The required Maintenance fee for 7.5 yrs, expired 12/29/2006, and there does not exist a 7.5 yrs. maintenance fee paid as shown in PALM record.
A reissue application must actually issue as a reissue patent before the expiration of the original patent.

As set forth in MPEP 1415.01:

The filing of a reissue application does not alter the schedule of payments of maintenance fees on the original patent. If maintenance fees have not been paid on the original patent as required by 35 U.S.C. 41(b) and 37 CFR 1.20, and the patent has expired, no reissue patent can be granted. 35 U.S.C. 251, first paragraph, only authorizes the granting of a reissue patent for the unexpired term of the original patent. Once a patent has expired, the Director of the USPTO no longer has the authority under 35 U.S.C. 251 to reissue the patent. See *In re Morgan*, 990 F.2d 1230, 26 USPQ2d 1392 (Fed. Cir. 1993)

(II) The specification must include a cross reference to the other copending reissue application (10/314,937) since more than one reissue may replace the single original patent

(III) The consent of assignee statement needs to state “The assignee, Samsung Electronics, owning an undivided interest in the original patent consents to the accompanying application for reissue (see 37 CFR 1.172).

(IV) After a review of the prosecution history, there does not appear to be any explanation of the changes to the drawings in the remarks, or drawing amendment sections required by 37 CFR 1.173(b)(3). 37 CFR 1.173(b)(3) states:

(3) Drawings. One or more patent drawings shall be amended in the following manner: Any changes to a patent drawing must be submitted as a

replacement sheet of drawings which shall be an attachment to the amendment document.

Any replacement sheet of drawings must be in compliance with § 1.84 and shall include all of the figures appearing on the original version of the sheet, even if only one figure is amended. Amended figures must be identified as "Amended," and any added figure must be identified as "New." In the event that a figure is canceled, the figure must be surrounded by brackets and identified as "Canceled." All changes to the drawing(s) shall be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings.

- (i) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change to the drawings.
- (ii) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

(V) The Oath/Declaration fails to state a "...duty to disclose information material to patentability..." and not "material to examination." Such a revised Oath/Declaration is needed to comply with 37 CFR 1.56(a).

(VI) Additionally, the reason why the original patent is rendered inoperative/invalid is also because of defective drawings, not just because applicant claimed less than they had a right to claim.

(VII) The specific error relied upon as a basis for reissue under 35 USC 251 is not clearly identified, the specific wording, limitation(s) which makes the original claim unduly limited in the original patent claims must be stated, and how the new claims differ from the original patent claims are not identified (MPEP 1414, 37 CFR 1.175(a)(1)).

(VIII) An oath updating any newly identified error in oath needs to be filed based on amendment filed on May 14, 2008.

(IX) Any error corrected under 35 USC 251 after filing of all oaths currently in the reissue, applicant must submit a supplemental oath prior to allowance stating "Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath and/or declaration(s) submitted in this application arose without any deceptive intention on the part of the applicant (37 CFR 1.175(b)(1)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J. Klimowicz/
Primary Examiner, Art Unit 2627